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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,064	03/25/2004	Scott R. Conley	87610AEK	7002
7590	06/15/2006			
Paul A. Leipold Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201				
			EXAMINER KUGEL, TIMOTHY J	
			ART UNIT 1712	PAPER NUMBER
DATE MAILED: 06/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/809,064

Applicant(s)

CONLEY ET AL.

Examiner

Timothy J. Kugel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.  
4a) Of the above claim(s) 2,7,11,14,16,19,20,22,23,28,29 and 31-33 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-6,8-10,13,15,17,18,21,24-27 and 30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-33 are pending as filed on 25 March 2004. Claims 2, 7, 11, 14, 16, 19, 20, 22, 23, 28, 29 and 31-33 are withdrawn from consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

3. This application contains claims 2, 7, 11, 14, 16, 19, 20, 22, 23, 28, 29 and 31-33 drawn to a nonelected invention or species. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Double Patenting***

4. Applicant's terminal disclaimer, filed 26 April 2006, has been fully considered and is proper.

The rejection of Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 24, 27 and 30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 12 and 13 of U.S. Patent No. 6,828,044 (Conely '044 hereinafter) has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoag.

Hoag teaches an organic light emitting diode device (Abstract, Figure 1 and Column 1, Lines 11-16) comprising an anthracene host as shown by compound F when

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R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (Column 18 Line 63 – Column 19 Line 31)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Column 19 Lines 30-45) capable of emitting white or blue light (Column 18 Line 63-67 and Column 19 Lines 1-14) and a method of emitting light comprising subjecting the device to an applied voltage (Column 13 Lines 10-30).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

6. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conley '053.

Conely '053 teaches an organic light emitting diode device (Column 1 Lines 5-10) comprising the elected anthracene host as shown by compound F when  $R_1$ - $R_5$  are hydrogen and  $R_6$  is a phenyl group (Column 13 Lines 16-67, Claim 10)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L2 Column 14 Lines 42-54) capable of emitting blue light (Column 13 Lines 16-20) and a method of emitting light comprising subjecting the device to an applied voltage (Figure 1, Column 2 Lines 32-34 and Column 8 Lines 36-49).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

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7. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conley '044.

Conely '044 teaches an organic light emitting diode device (Abstract, Figure 1 and Column 1, Lines 6-10) comprising the elected anthracene host as shown by compound F when  $R_1$ - $R_5$  are hydrogen and  $R_6$  is a phenyl group (Column 4 Lines 15-56, Column 13 Lines 27-62 and Claim 4)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Column 1 Lines 64-65 and Compound L2 Column 14 Lines 55-65) capable of emitting white or blue light (Column 14 Lines 30-33 and Claim 13) and a method of emitting light comprising subjecting the device to an applied voltage (Column 8 Lines 43-55 and Claim 12).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer

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in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

8. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 25-27 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cosimbescu '969.

Cosimbescu '969 teaches an organic light emitting diode device (Abstract, Figure 1 and ¶0001) comprising the elected anthracene host as shown by compound F when R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (¶¶0105-0112)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L2, ¶0121) capable of emitting white or blue light (¶¶0105 and 0121) and including multiple light emitting layers (0085) including those with rubrene as the light emitter (¶0121) and a method of emitting light comprising subjecting the device to an applied voltage (¶¶0023-0025).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR

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1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

9. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conley '329.

Conley '329 teaches an organic light emitting diode device (Abstract, Figure 1 and ¶0001) comprising the elected anthracene host as shown by compound F when R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (¶¶0133-0140)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L1, ¶0149 and Claim 24) capable of emitting white or blue light (¶0006) and including multiple light emitting layers (0111) including those with rubrene as the light emitter (¶0149) and a method of emitting light comprising subjecting the device to an applied voltage (¶¶0002-0003).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is



thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

### ***Response to Arguments***

10. Applicant's declaration, filed 26 April 2006, has been fully considered and antedates US Patent Application Publication 2005/0058853 (Cosimbescu '853 hereinafter) and US Patent Application Publication 2005/0181232 (Ricks hereinafter), disqualifying them as prior art.

The rejection of claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Cosimbescu '853 has been withdrawn.

The rejection of claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24-27 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Ricks has been withdrawn.

11. Applicant's argument, filed 25 April 2006, that the references US Patent 6,661,023 (Hoag '023 hereinafter), US Patent 6,670,053 (Conley '053 hereinafter), US Patent 6,828,044 (Conley '044 hereinafter), US Patent Application Publication 2004/001969 (Cosimbescu '969 hereinafter) and US Patent Application 2005/0208329

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(Conley '329 hereinafter) are not prior art as they published after September 2003 has been fully considered but is not persuasive. Hoag '023, Conley '053, Conley '044, Cosimbescu '969 and Conley '329 each qualify as prior art under 35 USC 102(e) being published US Patents or US Patent Application Publications having been filed prior to the instant invention.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday-Thursday.

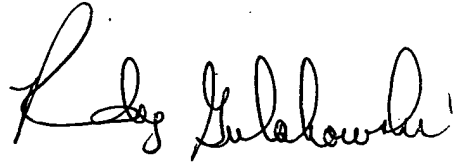
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJK  
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RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700